

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**EUGENE RICE IV,**

**Plaintiff**

**v.**

**DAUPHIN COUNTY PRISON,  
DAUPHIN COUNTY  
COMMISSIONERS,**

**Defendants**

**CIVIL NO. 3:16-CV-1021**

**(Judge Munley)**

.....

**ORDER**

**AND NOW**, to wit, this 12<sup>th</sup> day of August 2016, in accordance with the Court's memorandum of the same date, it is hereby ORDERED that:

1. The motion to proceed *in forma pauperis* (Doc. 6) is construed as a motion to proceed without full prepayment of fees and costs and is GRANTED.
2. Plaintiff's complaint (Doc. 1) is DISMISSED pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
3. Plaintiff's request (Doc. 9) for appointment of counsel is DENIED as moot.
4. The Clerk of Court is directed to CLOSE this case.
5. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

**BY THE COURT:**

s/James M. Munley  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**